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7 Attorney for JAVIER HERRERA-ARCIGA

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JAVIER HERRERA-ARCIGA,
15 Defendant.
16

Case No. 3:17-cr-00013-HDM-WGC

**ORDER GRANTING
STIPULATION TO CONTINUE
SENTENCING HEARING
(FIFTH REQUEST)**

17 IT IS HEREBY STIPULATED AND AGREED by and through RENE L.
18 VALLADARES, Federal Public Defender and KATE BERRY, Assistant Federal Public
19 Defender, counsel for JAVIER HERRERA-ARCIGA and NICHOLAS A. TRUTANICH,
20 United States Attorney, and ANDOLYN JOHNSON, Assistant United States Attorneys,
21 counsel for the UNITED STATES OF AMERICA, that the Sentencing hearing set for October
22 6, 2020, at 11:00 AM, be vacated and continued to **February 11, 2021, at 10:00 AM.**

23 The continuance is necessary for the following reasons:

24 1. The defense requests this continuance for the Defendant, Mr. Herrera-Arciga,
25 and the government does not oppose.
26

2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”

3. Travel and personal exposure to others, especially indoors, continue to pose a serious health risk due to the current spike in COVID-19 cases within Nevada and neighboring states.

4. On June 23, 2020, the Chief Judge for the District of Nevada entered Temporary General Order 2020-09, which requires in-custody defendants to be tested for COVID-19, with the defendant’s consent, and quarantine for 14 days following the test’s administration, prior to in-person hearings. The Court found that such testing will help protect against further exposure before transport to the court.

5. Because Mr. Herrera-Arciga is housed in NDOC custody, he will be quarantined for an extended period of time first at NDOC and then at the Washoe County jail before court and then again at both facilities following court. His transportation also increases his risk of COVID-19 exposure.

6. Mr. Herrera-Arciga is currently detained and agrees to the continuance. He is not eligible for parole until 2026.

7. This is the fifth request for continuance of the sentencing hearing.

DATED this 11th day of September, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

By: /s/ Kate Berry

By: /s/ Andolyn Johnson

KATE BERRY
Assistant Federal Public Defender
Counsel for Javier Herrera-Arciga

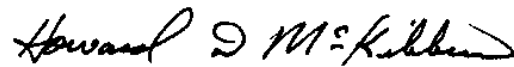
ANDOLYN JOHNSON
Assistant United States Attorney
Counsel for United States

ORDER

Based on the Stipulation of counsel, and good cause appearing,

IT IS THEREFORE ORDERED that the Sentencing Hearing currently set for October 6, 2020, at 11:00 AM, be vacated and continued to **February 11, 2021, at 10:00 AM** before Judge Howard D. McKibben. **IT IS SO ORDERED** .

DATED this 14th day of September, 2020.



UNITED STATES DISTRICT JUDGE